

The Honorable Michelle L. Peterson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMIAH O'NEAL and CINDY L.
BUCKLES, husband and wife and the marital
community composed thereof l,

Plaintiffs,

v.

JAMES HARDIE BUILDING PRODUCTS,
INC., a foreign corporation,

Defendant.

NO. 20-cv-05168-BHS-MLP

THIRD JOINT STIPULATION, AGREED
MOTION, AND [PROPOSED] ORDER TO
CONTINUE PRETRIAL DEADLINES

NOTE ON MOTION CALENDAR:

April 8, 2022

I. STIPULATION AND AGREED MOTION

The parties, by and through their respective counsel of record, agree and hereby
stipulate to a third continuance of the current pretrial deadlines for the following reasons:

A. Outstanding Discovery

The parties have engaged in initial written discovery and there is pending written
discovery issued by Plaintiffs to Defendant James Hardie. Furthermore, the depositions of
both Plaintiffs still need to occur, Defendant James Hardie intends on deposing all five of
Plaintiffs' experts, and Plaintiffs may request to depose Defendant's experts as well. The
parties agree that discovery is almost completed but need additional time. In addition, Nicholas
R. Major will be going on paternity leave this spring and will be unavailable during that time.

THIRD JOINT STIPULATION, AGREED MOTION, AND
[PROPOSED] ORDER TO CONTINUE PRETRIAL DEADLINES
AND SCHEDULE TRIAL - 1

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(206) 628-6600

Rodney L. Umberger just finished a nearly two-month trial and has limited availability during the month of April. Therefore, good cause exists for this brief continuance of the existing pretrial deadlines.

The parties agree and respectfully request that the Court continue the currently scheduled pretrial deadlines for two (2) months.

B. A Continuance Is Appropriate

The parties jointly contend and submit that exploring the potential for pretrial resolution of this case, coupled with the needs of both parties to substantially complete discovery, which persist despite no demonstrable lack of diligence by either party, constitute good cause to continue pretrial deadlines approximately two (2) months as described and referenced in LCR 16(b)(6).

In accordance with the foregoing, the parties jointly move this Court to enter an Order providing:

1. The parties' Agreed Motion to Continue Pretrial Deadlines is **GRANTED**;
2. The parties' joint request for a trial date is **GRANTED**; and
3. The pretrial deadlines are hereby **CONTINUED** as follows:

Event	Current Date	New Date
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter (see LCR 7(d))	04/01/2022	07/01/2022
Rebuttal expert disclosure under FRCP 26(a)(2) due	04/29/2022	07/01/2022
Discovery to be completed by	04/29/2022	08/01/2022
All dispositive motions and motions to exclude expert testimony for failure to satisfy <i>Daubert</i> must be filed pursuant to LCR 7(d)	05/27/2022	08/29/2022

THIRD JOINT STIPULATION, AGREED MOTION, AND
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1 DATED this 8th day of April, 2022.

2 WILLIAMS, KASTNER & GIBBS

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4
5 By /s/ Rodney L. Umberger
Rodney L. Umberger WSBA #24948
6 /s/ Nicholas R. Major
Nicholas R. Major, WSBA #49579

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11 ***Attorneys for Defendant JHBP***

12
13 DATED this 8th day of April, 2022.

14 GIG HARBOR LAW

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16 By: /s/Nathan D. Sukhia
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21 ***Attorney for Plaintiffs***

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THIRD JOINT STIPULATION, AGREED MOTION, AND
[PROPOSED] ORDER TO CONTINUE PRETRIAL DEADLINES
AND SCHEDULE TRIAL - 3

DATED this 8th day of April, 2022.

RUSH, HANNULA, HARKINS& KYLER

By: /s/Sok-Khieng Lim
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II. ORDER

It is hereby **ORDERED** that the remaining pretrial deadlines be continued as follows, with a trial date to be set by the Court if the case has not been resolved by dispositive motion or settlement:

Event	Current Date	New Date
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter (see LCR 7(d))	04/01/2022	07/01/2022
Rebuttal expert disclosure under FRCP 26(a)(2) due	04/29/2022	07/01/2022
Discovery to be completed by	04/29/2022	08/01/2022
All dispositive motions and motions to exclude expert testimony for failure to satisfy <i>Daubert</i> must be filed pursuant to LCR 7(d)	05/27/2022	08/29/2022

DATED this 11th day of April, 2022.



MICHELLE L. PETERSON
United States Magistrate Judge

1 PRESENTED BY:

2 WILLIAMS, KASTNER & GIBBS

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4 By /s/ Rodney L. Umberger
Rodney L. Umberger WSBA #24948
5 /s/ Nicholas R. Major
Nicholas R. Major, WSBA #49579

6 ***Attorneys for Defendant JHBP***
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8
9 APPROVED AS TO FORM AND CONTENT BY:

10 RUSH, HANNULA, HARKINS& KYLER

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THIRD JOINT STIPULATION, AGREED MOTION, AND
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